

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 1 of 7

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:) Case No. 09-03763-NPO
)
JON CHRISTOPHER EVANS,) Chapter 7
)
Debtor.)

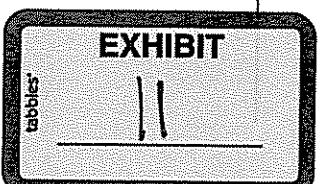
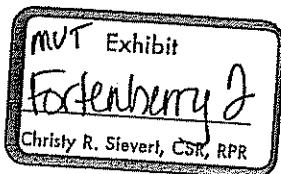
AFFIDAVIT OF ROBERT B. JONES

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Robert B. Jones, who, being by me first duly sworn deposes and says that:

1. I am a person of the full age of majority and make this affidavit of my own personal knowledge.
2. I am the claims counsel for Mississippi Valley Title Insurance Company ("Mississippi Valley Title").
3. Jon Christopher Evans and his brother, Charles H. Evans, Jr., are defendants in a lawsuit filed by Mississippi Valley Title asserting that both Jon Christopher Evans and Charles H. Evans, Jr. engaged in fraudulent, intentional, and/or negligent conduct to the detriment of Mississippi Valley Title and lenders. This lawsuit is currently pending in the Madison County Chancery Court, cause no. 2009-1311 (the "State Court Action"). However, MVT is stayed from proceeding against Jon Christopher Evans, Colony Developers, Inc. and Highland of Ridgeland, Inc. because they have filed bankruptcy proceedings.
4. Both Charles H. Evans, Jr. and Jon Christopher Evans are licensed attorneys in the State of Mississippi, although Jon Christopher Evans is currently on inactive status.



Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 2 of 7

5. Charles H. Evans, Jr. was an approved attorney for Mississippi Valley Title, although not retained, hired or employed by Mississippi Valley Title.

6. Approved attorneys provide title certificates to Mississippi Valley Title which are intended to represent the true status of title on a particular property.

7. Mississippi Valley Title relies on the diligence, accuracy, honesty and representations of its approved attorneys, such as Charles H. Evans, Jr., in title certificates before issuing title insurance policies.

8. Mississippi Valley Title relied on the title certificates provided by Charles H. Evans, Jr. to issue over 100 title insurance policies to various lenders (the "Lenders").

9. Charles H. Evans, Jr. misrepresented the true ownership of and encumbrances upon certain land in title certificates provided to Mississippi Valley Title for the benefit of Jon Christopher Evans and/or other entities who borrowed funds from the Lenders.

10. Each of the business entities obtaining loans based on these title insurance policies and to whom loan proceeds were disbursed was owned and/or controlled by Jon Christopher Evans and/or Charles H. Evans, Jr. and/or participated in the common scheme and enterprise of Jon Christopher Evans and/or Charles H. Evans, Jr.

11. Jon Christopher Evans, Charles H. Evans, Jr. and others have entered in concert in a fraudulent and/or criminal scheme to defraud Mississippi Valley Title and Lenders by borrowing funds from Lenders using certain land as collateral when title to the collateral was not of record in the landowner.

12. As a part of the fraudulent scheme Jon Christopher Evans and/or Charles H. Evans, Jr. would misrepresent to the Lenders and Mississippi Valley Title that the land was owned by an entity controlled by Jon Christopher Evans and/or Charles H. Evans, Jr.

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 3 of 7

13. Based on the false title certificates provided by Charles H. Evans, Jr. and title insurance commitments issued by Mississippi Valley Title, Lenders would advance funds to Jon Christopher Evans, Charles H. Evans, Jr. and/or others.

14. Based on the false title certificates provided by Charles H. Evans, Jr., Mississippi Valley Title would issue title insurance policies that insured the Lenders for certain defects in title.

15. Contrary to the representations made by Charles H. Evans, Jr. in title certificates, record title to the subject property was never transferred into the entity that actually borrowed the funds and whose title was insured. Rather, record title remained in the name of one of the other defendants in the State Court Action, although equitable title passed from the record title holder to the entity borrowing funds and executing a deed of trust in favor of the affected Lender.

16. As of this date, Mississippi Valley Title has received 65 claims on title policies issued in reliance upon title certificates provided by Charles H. Evans, Jr. These claims have a total value of \$41,415,242.35. A summary of the claims received by Mississippi Valley Title is attached as Exhibit "A".

17. As evidence of this fraudulent scheme, Mississippi Valley Title Insurance Company provides the following examples of real property involved in the apparent fraudulent activity:

38 Acre Parcel of Property on Highland Colony Parkway

- a. On October 17, 2003, Old Agency Business Park, Inc. (an entity controlled by Jon Christopher Evans) obtained title to a 38.57 acre parcel of property located on the Highland Colony Parkway in Madison County, Mississippi.
- b. Title to this property is evidenced by that certain Warranty Deed recorded in Book 1702 at Page 224 (amended in Book 1749 at Page 585) in the Office of the Chancery Clerk of Madison County Mississippi.

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 4 of 7

*Lot 1G: Fraudulent Title Certificates Beginning with
Madison Avenue Development Company, LLC*

- c. On November 15, 2006, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres of title was vested in Madison Avenue Development Company, LLC (an entity controlled by Jon Chris Evans) and that Community Bank held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "B".
- d. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy M-306708 in the amount of \$776,129.50 insuring that Community Bank held a first mortgage on the subject 3 acre parcel of property.
- e. After learning of the possible fraud, Mississippi Valley Title recently searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that a deed has never been recorded vesting title to the subject 3 acre parcel of property into Madison Avenue Development Company, LLC.
- f. Upon information and belief, the Community Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- g. On June 2, 2008, Charles H. Evans, Jr. signed another Final Certificate of Title certifying that the same subject 3 acre parcel of property was vested in Westwoods Investments, LLC (an entity controlled by Jon Chris Evans) and that Metropolitan Bank held a first lien on the same subject 3 acre parcel of property. See Exhibit "C".
- h. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107014 in the amount of \$577,180.00 insuring that Metropolitan Bank held a first mortgage on the subject 3 acre parcel of property.
- i. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Westwoods Investments, LLC.
- j. Upon information and belief, the Metropolitan Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- k. On July 8, 2008, Charles H. Evans, Jr. signed another Final Certificate of Title certifying that the same subject 3 acre parcel of property was vested in Park Place Commons, LLC (an entity controlled by Jon Chris Evans) and that Holmes

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 5 of 7

County Bank & Trust Company held a first lien on the same subject 3 acre parcel of property. See Exhibit "D".

1. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107019 in the amount of \$780,127.00 insuring that Holmes County Bank & Trust Company held a first mortgage on the subject 3 acre parcel of property.
- m. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Park Place Commons, LLC.
- n. Upon information and belief, the Holmes County Bank & Trust loan secured by the Deed of Trust still has an outstanding balance owing on it.

*Lot 1F: Fraudulent Title Certificates Beginning with
Nottaway Pointe, LLC*

- o. On July 8, 2008, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres was vested in Westwoods Investments, LLC (an entity controlled by Jon Chris Evans) and that Renasant Bank held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "E".
- p. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107023 in the amount of \$781,950.00 insuring that Renasant Bank held a first mortgage on the subject 3 acre parcel of property.
- q. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that a deed has never been recorded vesting title to the subject 3 acre parcel of property into Westwoods Investments, LLC. Moreover, the land records revealed that on November 14, 2003, Old Agency Business Park, Inc. granted Bank First Financial Services a deed of trust on the subject property securing a loan in the amount of \$480,420.50.
- r. Upon information and belief, the Renasant Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- s. On February 12, 2009, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres of title was vested in Nottaway Pointe, LLC (an entity controlled by Jon Chris Evans) and that Holmes County Bank & Trust held the First Mortgage on that Property by virtue of a Deed of

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 6 of 7

Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "F".

- t. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107085 in the amount of \$800,292.00 insuring that Holmes County Bank & Trust Company held a first mortgage on the subject 3 acre parcel of property.
- u. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Nottaway Pointe, LLC.
- v. Upon information and belief, the Holmes County Bank & Trust loan secured by the Deed of Trust still has an outstanding balance owing on it.

84 Acre Parcel of Property on Park Place Boulevard

- w. On July 23, 2008, Hanover Investments, LLC (an entity controlled by Charles Evans) obtained title to an 84.56 acre parcel of property located on Park Place Boulevard in Madison County, Mississippi.
- x. Title to this property is evidenced by that certain Warranty Deed recorded in Book 2338 at Page 304 in the Office of the Chancery Clerk of Madison County Mississippi.

**Lots 4A and 4B: Fraudulent Title Certificates Beginning with
White Oaks Investment Company, LLC**

- y. On September 17, 2008, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 4.5 acres of the 84.56 acres of title was vested in White Oaks Investment Company, LLC (an entity controlled by Jon Chris Evans) and that Bank of Forest held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "G".
- z. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107024 in the amount of \$1,296,500.00 insuring that Bank of Forest held a first mortgage on the subject 4.5 acre parcel of property.
- aa. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 4.5 acre parcel of property into White Oaks Investment Company, LLC.

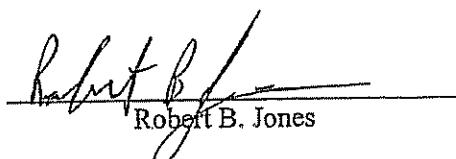
Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main
Document Page 7 of 7

bb. Upon information and belief, the Bank of Forest loan secured by the Deed of Trust still has an outstanding balance owing on it.

18. Jon Christopher Evans and Charles H. Evans, Jr. repeated this common scheme on many other properties in Madison County, Desoto County, Rankin County, and Hinds County in Mississippi.

19. Recognizing the probability of fraudulent and/or criminal activity, Mississippi Valley Title immediately attempted to contact Jon Christopher Evans and Charles H. Evans, Jr. to attempt to cure certain title defects. Neither Jon Christopher Evans nor Charles H. Evans, Jr. has responded to Mississippi Valley Title's requests to cooperate or agreed to meet in an effort to merge the legal and equitable title problems created by this fraudulent scheme. Rather, Jon Christopher Evans filed a bankruptcy petition on October 26, 2009, on the eve of the State court preliminary injunction hearing.

AND AFFIANT FURTHER SAITH NOT



Robert B. Jones

Sworn to and Subscribed Before Me,
Notary, this 17th day of November, 2009.

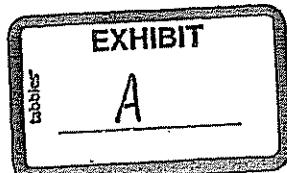
Barbara M. Cargill
Notary Public
Printed Name: Barbara M. Cargill
Notary No. 49447
My Commission Expires: 8-11-2012



MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUGUST 11, 2012
BONDED THRU STEGALL NOTARY SERVICE

Case 09-03763-NPO Doc 78-1 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit A Page 1 of 2

Policy No.	Borrower	Lender	Amount
M-306873	463 Development Co, LLC	State Bank & Trust Company	1,302,914.50
M-306818	463 Development Company, LLC	Community Bank of Mississippi	520,129.50
LP-107030	Brashear Heath, LLC	First Security Bank	900,165.00
LP-107020	Brashear Heath, LLC	Britton & Koontz Bank	904,666.00
LP-107074	Brisbane Centre, LLC	Guaranty Bank & Trust Company	808,304.50
LP-107066	C E Development, Inc.	First Bank	227,407.26
M-306065	C E Development, Inc.	First Bank of McComb	227,348.27
LP-104007	CE Development, Inc.	First Bank	700,000.00
M-306461	Cedar Lake Investors, LLC	BankFirst Financial Services	760,000.00
LP-107067	Cedar Lake Investors, LLC	State Bank & Trust Company	311,255.53
M-306474	Cedar Lake Investors, LLC	Citizens National Bank of Meridian	712,179.50
M-306468	Cedar Lake Investors, LLC	First Bank	416,167.50
M-306462	Cedar Lake Investors, LLC	Merchants & Farmers Bank	613,964.15
M-306537	Cedar Lake Investors, LLC	Merchants & Farmers Bank	324,274.24
M-306472	Cedar Lake Investors, LLC	National Bank of Commerce	760,241.99
LP-107046	Clear Creek Development, LLC	Cadence Bank	825,000.00
M-306705	Colony Construction Ltd.	BankPlus	338,122.15
M-306043	Colony Construction, Ltd.	BancorpSouth Bank	250,000.00
M-306035	Colony Construction, Ltd.	BankPlus	183,695.77
LP-107017	Colony Developers, Inc.	Merchants and Farmers Bank	169,680.30
M-306032	Colony Developers, Inc.	Madison County Bank	245,211.25
M-306067	Highland CE Corporation	First Commercial Bank	304,000.00
M-306072	Highland of Madison Development, Inc.	Community Bank of Mississippi	350,000.00
M-306582	Highland of Ridgeland, Inc.	Consumer National Bank	191,702.93
M-306010	Highland of Ridgeland, Inc.	Southtrust Bank, NA	228,461.43
M-306074	J CE Highland Corporation	Citizens National Bank	221,667.46
LP-107055	Jon C. Evans	Community Bank of Mississippi	170,169.00
RP-141868	Jon Christopher Evans	Merchants & Planters Bank	130,000.00
M-306040	Jon Cris Evans	Merchants and Farmers Bank	287,200.00
LP-116296	Landsdowne Group, LLC	BankFirst Financial Services	828,750.00
M-306804	Madison Avenue Development Co, LLC	Renaissance Bank	600,200.00
M-306708	Madison Avenue Development Company, LLC	Community Bank	776,129.40
M-306758	Madison Avenue Development Company, LLC	OmniBank	740,769.50
M-306737	Madison Avenue Development Company, LLC	OmniBank	775,804.50
M-306803	Madison Avenue Development Company, LLC	Cadence Bank	596,529.50
M-306718	Madison Avenue Development Company, LLC	Cadence Bank	1,614,402.04
M-306816	Madison Avenue Development Company, LLC	Merchants & Farmers Bank	1,360,529.00
LP-107085	Nottaway Pointe, LLC	Holmes County Bank & Trust Company	800,292.00
M-306229	Old Agency Business Park, Inc.	National Bank of Commerce	600,200.00



Case 09-03763-NPO Doc 78-1 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit A Page 2 of 2

Policy No.	Borrower	Lender	Amount
M-306226	Old Agency Business Park, Inc.	Community Bank of Mississippi	464,057.50
M-306291	Old Agency Business Park, Inc.	BankFirst Financial Services	480,420.50
M-306292	Old Agency Business Park, Inc.	Citizens National Bank of Meridian	500,170.50
M-306717	Old Agency Business Park, Inc.	Citizens National Bank of Meridian	585,530.00
LP-107025	Park Place Commons LLC	BancorpSouth Bank	1,500,081.00
LP-107019	Park Place Commons, LLC	Holmes County Bank & Trust Company	780,127.00
M-306876	Parkway Crossing, LLC	BancorpSouth Bank	860,080.00
M-305980	Ridgeland Recreational, Corp	Union Planters Bank	243,064.80
M-306425	Snowden Grove Investors, LLC	First Alliance Bank	380,000.00
M-306426	Snowden Grove Investors, LLC	First Alliance Bank	380,000.00
M-306382	Snowden Lane Investments, LLC	Bankfirst Financial Services	800,418.00
LP-107064	Snowden Lane Investments, LLC	BancorpSouth Bank	555,585.53
M-307874	Snowden Lane Investments, LLC	Merchants & Farmers Bank	616,874.81
M-306380	Snowden Lane Investments, LLC	Community Bank of Mississippi	800,000.00
LP-107073	Town Park of Madison, LLC	Merchants & Farmers Bank	3,037,264.04
M-306430	Twin City Commons Development Company LLC	Peoples Bank & Trust Company (nka Renasant Bank)	400,000.00
M-306369	Twin City Commons Development Company, LLC	Trust One Bank	584,000.00
LP-107087	Twin City Commons Development Company, LLC	Commercial Bank & Trust Company	572,000.00
M-306366	Twin City Commons Development Company, LLC	The Peoples Bank & Trust Company (nka Renasant Bank)	392,000.00
LP-107084	Twin City Commons Development Company, LLC	First Security Bank	801,128.00
LP-104028	Westwoods Investments, LLC	Bank of Yazoo City	800,188.00
LP-106999	Westwoods Investments, LLC	Bank of the South	700,680.00
LP-107014	Westwoods Investments, LLC	Metropolitan Bank	577,180.00
LP-107023	Westwoods Investments, LLC	Renasant Bank	781,950.00
LP-107024	White Oaks Investment Company, LLC	Bank of Forest	1,296,500.00
M-306150	Woodgreen Development Corporation	BankFirst Financial Services	448,408.50
Total Claim Value			41,415,242.35

Case 09-03763-NPO Doc 78-2 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit B Page 1 of 4

2006/12/20 Reissue
MISSISSIPPI VALLEY TITLE M-302 220
Insurance Company \$ 525,000.00 M-306 708
OLD REPUBLIC
QR National Title Insurance Company
REQUEST FOR UPDATED TITLE ENDORSEMENT
APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the coverage and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereto, the marketable fee simple title to the real estate described herein is vested in:
Madison Avenue Development Company, LLC

Complete Sections I and II if both mortgagor's and owner's policy desired

I. FOR MORTGAGOR'S POLICY:

1. Is a Short Form Policy to be issued? yes. If no, what is the Street Address? 1660 Office Park Dr.
Jackson, MS
Zip Code? 39208, Loan Number .
2. Is loan Conventional? yes FHA? no VA? no
3. Is instrument Deed of Trust or mortgage? Deed of Trust dated 11-16-08
4. Does it secure construction financing? no or permanent financing? yes
5. Mortgagor Madison Avenue Development Company, LLC
6. Trustee Wyman Jones
7. Mortgagor Community Bank
8. Filed for record in the office of the Chancery Clerk of Madison County,
State of MS on 11-16, 08 at 4:45 o'clock P. M.,
recorded Book 2122 Page 888 865,
9. Amount of debt \$ 778,129.60, Final Maturity 11-15-12
10. Assigned by instrument dated n/a, to , executed by
Filed for record , at o'clock M., recorded in case
County in Book , Page .

II. FOR OWNER'S POLICY:

(a) Kind of instrument n/a dated
(b) Grantors
(c) Grantees
Filed for record in office of of
County, State of on at o'clock M.,
recorded in Book Page ,
(d) Consideration \$, Estate of Grantees (for, years, household)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in City of Ridgeland County of Madison, State of MS to-wit:

(See Exhibit A)

(old 2003/1936)



Case 09-03763-NPO Doc 78-2 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit B Page 2 of 4

FINAL CERTIFICATE

SCHEDULE 'B'
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2005
(b) Unpaid taxes 2006
(c) Special Assessments payable in future no
(d) Are there improvements declared necessary or begun for which no assessment has been made? no
(e) Is land located in a drainage district? none, Name: n/a
If so, bonds outstanding \$ 0

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Madison Avenue Development Company, LLC
Mortgagee: Community Bank of Mississippi
Trustee: Wyman Jones
Amount: \$776,129.60
Date of Deed of Trust: 11-16-08
Book: 2122 Page: 858

3. RESTRICTIONS AND COVENANTS:

- Are there any? no (Attach verbatim copy). Recorded Book _____ Page _____ Filed _____
(a) State whether violated or not _____
(b) Do restrictions contain a reversionary or forfeiture clause? _____
(c) If so, has above been released? _____ (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define:

none

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list:

n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? no
If not, our commitment and policy will contain an appropriate exception.
(b) Mineral interests, if any, to be reserved by seller no

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- | | |
|---|--|
| (a) <input type="checkbox"/> Mechanics' and Materialmen's Liens of record | (g) <input type="checkbox"/> Federal Tax Liens |
| (b) <input type="checkbox"/> Judgments | (h) <input type="checkbox"/> Recorded or known unrecorded leases |
| (c) <input type="checkbox"/> Estates and Decedent's Debts | (i) <input type="checkbox"/> Encroachments |
| (d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements | (j) <input type="checkbox"/> Matters not listed |
| (e) <input type="checkbox"/> Bankruptcy Proceedings | (k) <input type="checkbox"/> Violation of zoning ordinances |
| (f) <input type="checkbox"/> Lis Pendens of Record | (l) <input type="checkbox"/> Violation of Building setback lines |

(See Exhibit B)

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to November 15 2008 at 4:45 P. M.

Approved Attorney Charles H. Evans

By Charles H. Evans Member of Bar

Address P.O. Box 13703, Jackson, MS 39238

Phone Number 601/362-1282 Fax Number 601/362-7476

Case 09-03763-NPO Doc 78-2 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit B Page 3 of 4

EXHIBIT 'A'

7022093

THIS EXHIBIT IS ATTACHED TO AND MADE A PART OF THAT DEED OF TRUST DATED NOVEMBER 15, 2006,
AND FURTHER DESCRIBES THE PROPERTY:

BOOK 2122 PAGE 873

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 25,
TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH
FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE
MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY;
RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10
FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A
DISTANCE OF 431.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAME ROAD;
RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET
TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH
RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A
POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03
MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE
PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A
DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87
DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ
TRACE PARKWAY FOR A DISTANCE OF 136.00 FEET TO THE POINT OF BEGINNING OF THE
FOLLOWING DESCRIBED PARCEL OF LAND. CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES
32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY
FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-
WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46
SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR
A DISTANCE OF 303.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT
CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGEBLAND, MISSISSIPPI, BY
WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF
MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE
TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE
SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED
BOOK 360 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS
EAST, A DISTANCE OF 284.34 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56
SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48
MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES
16 MINUTES 35 SECONDS WEST, A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE;
LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY
DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS
WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST
RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE
NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS
FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF
19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A
DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A
CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND A RADIUS OF 900.00 FEET; RUN
THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD
BEARING AND DISTANCE) NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF
154.45 FEET TO A POINT; RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A
DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A
CENTRAL ANGLE OF 10 DEGREES 14 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN
THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD
BEARING AND DISTANCE) NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF
149.89 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 68.52
FEET TO THE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN; THENCE CONTINUE
NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 107.58 FEET; RUN THENCE NORTH 45
DEGREES 20 MINUTES 20 SECONDS EAST 42.31 FEET TO A POINT; THENCE LEAVING SAID
HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 54 MINUTES 30 SECONDS EAST 824.71
FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 101.21 FEET; THENCE SOUTH 04
DEGREES 57 MINUTES 18 SECONDS EAST 65.78 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 50
SECONDS WEST 894.09 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF
LAND IS SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25,
TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGEBLAND, MADISON COUNTY, MISSISSIPPI, AND
CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

1/1
INITIAL INITIAL
MADISON COUNTY, MS. This instrument was
filed for record NOV. 16, 2006 at 1:45 P.M.
Book 2122 Page 865
ARTHUR JOHNSTON, C.C.
D.O. 

Case 09-03763-NPO Doc 78-2 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit B Page 4 of 4

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of a buyer's rights as contained in Book 79 at Page 89.

EXHIBIT B

Case 09-03763-NPO Doc 78-3 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit C Page 1 of 3



APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.
If now construction within statutory period for items, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule 'B' hereof, the marketable fee simple title to the real estate described herein is vested in
Westwoods Investments LLC ✓

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? no, If so, what is the Street Address? _____
Zip Code? _____, Loan Number? _____
2. Is loan Conventional? yes PMA? no VA? no
3. Is instrument deed of trust or mortgage? Deed of Trust dated 05-29-08
4. Does it secure construction financing? no or permanent financing? yes
5. Mortgagors Westwoods Investments LLC
6. Trustee Robert W. Lawrence
7. Mortgagee Metropolitan Bank
8. Filed updated Deed of Trust for record in the office of the Chancery Clerk of Madison County, State of MS on 06-02, OB at 10:15 o'clock A.M., recorded Book 2021, Page 707, Final Maturity 06-01-2018
9. Amount of debt \$ 677,100.00, Final Maturity 06-01-2018
10. Assigned by instrument dated n/a to _____, executed by _____
Filed for record _____, at _____ o'clock M., recorded in said County in Book _____, Page _____

II. FOR OWNER'S POLICY:

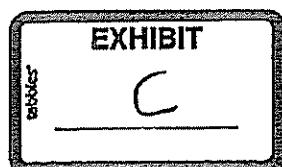
- (a) Kind of instrument n/a dated _____
- (b) Grantors _____
- (c) Grantees _____
Filed for record in office of _____ of _____
County, State of _____ on _____ at _____ o'clock M.,
recorded in Book _____, Page _____, Estate of Grantees _____ (for, years, leasehold)
- (d) Consideration \$ _____

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Flaggeland County of Madison, State of MS to-wit:

(See Exhibit A)



Case 09-03763-NPO Doc 78-3 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit C Page 2 of 3

FINAL CERTIFICATE

SCHEDULE "B"
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2007
(b) Unpaid taxes 2008
(c) Special Assessments payable in future no
(d) Are there improvements declared necessary or begun for which no assessment has been made? no
(e) Is land located in a drainage district? none Name n/a
If so, bonds outstanding \$ n/a

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Westwoods Investments LLC
Mortgagee: Robert W. Lawrence
Trustee: Metropolitan Bank
Amount: \$577,100.00
Date of Deed of Trust: 05-29-08
Book: 2321 Page: 707
Updated Deed of Trust was recorded on 06-02-08 at 10:15 A.M. in Book: 2321 Page: 707

✓ NSW/ed

3. RESTRICTIONS AND COVENANTS: (See Exhibit B)

- Are there any? X (Attach verbatim copy). Recorded Book Page Filed
(a) State whether violated or not
(b) Do restrictions contain a reversionary or forfeiture clause?
(c) If so, has above been released? (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES ON EASEMENTS SHOWN ON RECORDED PLAT:
If any exists:

(See Exhibit B)

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any exist:

n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? n/a
If not, our commitment and policy will contain an appropriate exception.
(b) Mineral interests, if any, to be reserved by seller n/a

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- (a) Mechanic's and Materialman's Liens of record Federal Tax Liens
(b) Judgments Recorded or known unrecorded leases
(c) Estates and Decedent's Debts Encroachments
(d) Easements and Party Wall Agreements Matters not listed
(e) Bankruptcy Proceedings Violation of zoning ordinances
(f) Lis Pendens of Record Violation of Building setback lines

(See Exhibit B)

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to June 2, 2008 at 10:15 A.M.

Approved Attorney Charles H. Evans 5855041

By Charles H. Evans Member of Firm

Address P.O. Box 13783, Jackson, MS 39236

Phone Number 601/382-1282 Fax Number 801/713-2108

Case 09-03763-NPO Doc 78-3 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit C Page 3 of 3

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465. ✓
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626. ✓
7. Terms and conditions of the conveyance of a buyer's rights as contained in Book 79 at Page 89. ✓

Exhibit B

Case 09-03763-NPO Doc 78-4 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit D Page 1 of 4

V135280

LP107019



APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereto, the marketable fee simple title to the real estate described herein is vested in:

Holmes County Bank & Trust Company

Complete Sections I and II if both mortgagee's and owner's policy desired

I FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? No, If so, what is the Street Address? _____
Zip Code? _____, Loan Number? _____
2. Is loan Conventional? Y.P.S. I.P.A.T? _____ VAT? _____
3. Is instrument deed of trust or mortgage? Deed of trust dated _____
4. Does it secure construction financing? No or permanent financing? Y.P.S.
5. Mortgagor Pork Plane Company LLC
6. Trustee Marshall Holt Smith, Jr.
7. Mortgagee Holmes County Bank & Trust Company
8. Filed for record in the office of the Chancery Clerk of Madison County,
State of MS on 4-28-2008, at 9:50 o'clock A.M.,
recorded Book 2309, Page 667
9. Amount of debt \$ 780,127.00, Final Maturity 4-22-09
10. Assigned by instrument dated _____ to _____, executed by _____
filed for record _____ at _____ o'clock _____ M., recorded in said
County in Book _____, Page _____

II. FOR OWNER'S POLICY: No

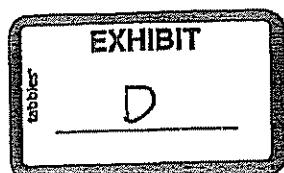
- (a) Kind of instrument _____ dated _____
- (b) Grantors _____
- (c) Grantees _____
Filed for record in office of _____ on _____ at _____ o'clock _____ M.,
County, State of _____ on _____ at _____ o'clock _____ M.,
recorded in Book _____, Page _____
- (d) Consideration \$ _____, Estate of Grantors _____ (for, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to wit:

See Exhibit A



Case 09-03763-NPO Doc 78-4 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit D Page 2 of 4

FINAL CERTIFICATE

SCHEDULE "B"

(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2007
(b) Unpaid taxes 2008
(c) Special Assessments payable in future None
(d) Are there improvements declared necessary or begun for which no assessment has been made? No
(e) Is land located in a drainage district? No Name _____
If so, bonds outstanding 0

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:
(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Park Place Commons LLC

Trustee: Marshall Holt Smith, Jr.

Mortgagee: Holmes County Bank & Trust Company

Date: 4-22-08

Amount: \$780,127.00

BK: 2309 Pg: 667

Date Recorded: 4-28-08 at 9:50 A.M.

3. RESTRICTIONS AND COVENANTS: See Exhibit B

- Are there any? 0 (Attach verbal or copy). Recorded Book _____ Page _____ Filed _____
(a) State whether violated or not _____
(b) Do restrictions contain a reversionary or forfeiture clause? _____
(c) If so, has above been released? 0 (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any exists See Exhibit B

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any exists 0/0

- (a) Have you examined the title to minerals beginning with the date of original entry? 0/0

If not, our commitment and policy will contain an appropriate exception.

- (b) Mineral interests, if any, to be reserved by seller _____

6. OTHER DEFECTS, LIENS AND OBJECTIONS:
(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- | | |
|--|--|
| (a) <input type="checkbox"/> Mechanic's and Materialmen's Liens, of record | <input type="checkbox"/> Federal Tax Liens |
| (b) <input type="checkbox"/> Judgments | <input type="checkbox"/> Recorded or known unrecorded leases |
| (c) <input type="checkbox"/> Estates and Decedent's Debts | <input type="checkbox"/> Encroachments |
| (d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements. | <input type="checkbox"/> Matters not listed |
| (e) <input type="checkbox"/> Bankruptcy Proceedings | <input type="checkbox"/> Violation of zoning ordinances |
| (f) <input type="checkbox"/> Lis Pendens of Record | <input type="checkbox"/> Violation of Building setback lines |

See Exhibit B

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and as far as known there is no dispute among attorneys as to validity of title.

This title certified down to July 8 2008 at 2:10 P.M.

Approved Attorney Charles H. Evans 535541

By Charles H. Evans

Address P. O. Box 13783 Jackson, MS 39236

Phone Number 601 443-2106 Fax Number 601 713-2106

362 1282

Case 09-03763-NPO Doc 78-4 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit D Page 3 of 4

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 13 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAMB ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1562.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 135.0 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 93.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY TIB CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 960 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 960 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.94 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.31 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 95 SECONDS WEST, A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE; LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 960 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE) NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT; RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE) NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 58.52 FEET TO THE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN; THENCE CONTINUE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 107.58 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 42.97 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 58 MINUTES 50 SECONDS EAST 824.71 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 101.21 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 18 SECONDS EAST 65.78 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST 894.09 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Case 09-03763-NPO Doc 78-4 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit D Page 4 of 4

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

Exhibit B

Case 09-03763-NPO Doc 78-5 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit E Page 1 of 3

MISSISSIPPI VALLEY TITLE
Insurance Company
OLD REPUBLIC
National Title Insurance Company

V135288

LP107023

APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.
If no construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereto, the marketable fee simple title to the real estate described herein is vested in:

Westwinds Investments, LLC

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? No. If so, what is the Street Address?
Zip Code? , Lot Number
2. Is loan Conventional? Yes VA?
3. Is instrument deed of trust or mortgage? Deed of trust, dated 3-24-04
4. Does it secure construction financing? No or permanent financing? Yes
5. Mortgagor Westwinds Investments, LLC
6. Trustee Scott R. Hendrix
7. Mortgagee Renaissance Bank
8. Filed for record in office of the Chancery Clerk of Madison County,
State of MS on 4-2-2008 at 2:30 o'clock P M.,
recorded Book 2802, Page 372
9. Amount of debt \$ 781,950, Final Maturity 4-5-2012
10. Assigned by instrument dated , executed by
 to
Filed for record , at o'clock M, recorded in said
County in Book , Page

II. FOR OWNER'S POLICY: No

- (a) Kind of instrument dated
- (b) Grantors
- (c) Grantees
Filed for record in office of of
County, State of on at o'clock M,
recorded in Book , Page
- (d) Consideration \$, Estate of Grantee (for, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to-wit:

See Exhibit A



Case 09-03763-NPO Doc 78-5 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit E Page 2 of 3

COMMENCE AT A CONCRETE MONUMENT, MARCING THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAMB ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 57 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 136.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND: CONTINUE THENCE SOUTH 87 DEGREES 57 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 903.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632 AS FOLLOWS: RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.94 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 35 SECONDS WEST A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE; LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS: RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS: RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND A RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT); RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT); RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 167.10 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 42.37 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 43.00 FEET; RUN THENCE NORTH 32 DEGREES 14 MINUTES 35 SECONDS WEST 55.83 FEET; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 70.66 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 52 MINUTES 07 SECONDS EAST 775.90 FEET; THENCE SOUTH 29 DEGREES 01 MINUTES 49 SECONDS EAST 120.05 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 61.23 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 50 SECONDS WEST 824.71 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Case 09-03763-NPO Doc 78-5 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit E Page 3 of 3

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

Exhibit B

Case 09-03763-NPO Doc 78-6 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit F Page 1 of 4

L.P.107085

APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded. If no construction within statutory period for Lien, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule 'B' hereof, the marketable fee simple title to the real estate described herein is vested in:

Nottaway ~~is~~ Pointe LLC

Complete Sections I and II if both mortgagor's and owner's policy desired.

L FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? No. If no, what is the Street Address?
 Zip Code? , Loan Number
 2. Is loan Conventional? Yes FHA? No VA? No
 3. Is instrument deed of trust or mortgage? Deed of trust dated 2-11-09
 4. Does it secure construction financing? No or permanent financing? Yes
 5. Mortgagor Notaway Pointe, LLC
 6. Trustee Marshall Holt Smith, Jr.
 7. Mortgagee Holmes County Bank & Trust Company
 8. Filed for record in the office of the Chancery Clerk of Madison County,
 State of MS on 2-12-2009 at 2:00 o'clock P. M.,
 recorded Book 2395 Page 284
 9. Amount of debt \$ 800,292.00, Final Maturity 2-11-2010
 10. Assigned by instrument dated to , executed by
 filed for record at o'clock M., recorded in said
 County in Book , Page

II. FOR OWNER'S POLICY: *Do*

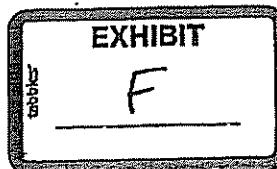
- (a) Kind of instrument _____ dated _____
 (b) Grantors _____
 (c) Grantees _____
 Filed for record in office of _____ of _____
 County, State of _____ on _____ at _____ o'clock _____ M.
 recorded in Book _____ Page _____
 (d) Consideration _____ Estate of Grantees _____ (See, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to-wit:

See Exhibit A



Case 09-03763-NPO Doc 78-6 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit F Page 2 of 4

FINAL CERTIFICATE

SCHEDULE "B"
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2008 2009
(b) Unpaid taxes 2009 NONE
(c) Special Assessments payable in future NONE
(d) Are there improvements declared necessary or begun for which no assessment has been made? No
(e) Is land located in a drainage district? No Name: _____
If so, bonds outstanding \$ _____

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Notaway Pointe, LLC

Trustee: Marshall Holt Smith, Jr.

Mortgagee: Holmes County Bank & Trust Co.

Date: 2-11-09

Amount: \$800,292.00

BK: 2395 Pg: 284

Date Recorded: 2-12-09 at 2:00 P.M.

3. RESTRICTIONS AND COVENANTS: See Exhibit B

- Are there any? _____ (Attach verbatim copy). Recorded Book _____ Page _____ Filed _____
(a) State whether violated or not _____
(b) Do restrictions contain a reversionary or forfeiture clause? _____
(c) If so, has above been released? _____ (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any exist: See Exhibit B

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list: 0/0

- (a) Have you exhibited the title to minerals beginning with the date of original entry? No

If not, our commitment and policy will contain an appropriate exception.

- (b) Mineral interests, if any, to be reserved by seller _____

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- | | |
|---|--|
| (a) <input type="checkbox"/> Mechanic's and Materialmen's Liens, of record | (e) <input type="checkbox"/> Federal Tax Liens |
| (b) <input type="checkbox"/> Judgments | (f) <input type="checkbox"/> Recorded or known unrecorded liens |
| (c) <input type="checkbox"/> Estates and Decedent's Debts | (g) <input type="checkbox"/> Encroachments |
| (d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements | (h) <input type="checkbox"/> Matters not listed |
| (e) <input type="checkbox"/> Bankruptcy Proceedings | (i) <input type="checkbox"/> Violation of zoning ordinances |
| (f) <input type="checkbox"/> Lis Pendens of Record | (j) <input type="checkbox"/> Violation of Building setback lines |

See Exhibit B

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

2:00 P.M.

This title certified down to 2-12-09 at 2:00 P.M.

Approved Attorney: Charles H. Evans

By Charles H. Evans

Number of Firm

Address: P. O. Box 13783 Jackson MS 39236

Phone Number: 601 713-2106 Fax Number: 601 713-2106

362 1282

12/92

Evans - MVT
AE 000171

IMAGED COPY

Case 09-03763-NPO Doc 78-6 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit F Page 3 of 4

COMMENCE AT A CONCRETE MONUMENT MARCING THE NORTHWEST CORNER¹ 167025, TOWNSHIP 4 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAMBLE ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 196.0 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 303.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 960 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 960 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.34 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 55 SECONDS WEST A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE; LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 960 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND A RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT); RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT); RUN THENCE NORTH 08 DEGREES 15 MINUTES 47 SECONDS EAST 167.10 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 42.37 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 43.00 FEET; RUN THENCE NORTH 32 DEGREES 14 MINUTES 35 SECONDS WEST 55.83 FEET; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 70.66 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 52 MINUTES 07 SECONDS EAST 775.90 FEET; THENCE SOUTH 29 DEGREES 01 MINUTES 49 SECONDS EAST 120.09 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 61.23 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 50 SECONDS WEST 824.71 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Case 09-03763-NPO Doc 78-6 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit F Page 4 of 4

Subject, however, to the following:

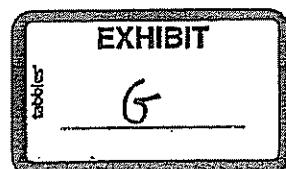
1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

Exhibit B

Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit G Page 1 of 5

6017132185 09/19/2008 15:44 6017132106	HIGHLAND BLUFF MVT Binder # V135289	PAGE 01/05
<p>MISSISSIPPI VALLEY TITLE Insurance Company</p> <p>OLD REPUBLIC National Title Insurance Company</p>		
APPLICATION AND ATTORNEY'S FINAL CERTIFICATE		
Use this form for all cases where transaction is closed and papers recorded. If new construction within statutory period for title, attach an Owner's and Contractor's affidavit.		
The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or abstracts described below), undersigned certifies that the title is out of the ownership and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereto, the marketable fee simple title to the real estate described herein is vested in: <u>White Oaks Investment Company LLC</u>		
Complete Sections I and II if both mortgagee's and owner's policy desired		
I. FOR MORTGAGEE'S POLICY:		
1. Is a Short Form Policy to be issued? <u>no</u> . If so, what is the Street Address? _____ Zip Code? _____, Loan Number _____		
2. Is loan Conventional? <u>yes</u> FHA? <u>no</u> VA? <u>no</u>		
3. Is instrument deed of trust or mortgage? <u>Deed of trust</u> dated <u>7-21-08</u>		
4. Does it secure construction financing? <u>no</u> or permanent financing? <u>yes</u>		
5. Mortgagors <u>White Oaks Investment Company LLC</u>		
6. Trustee <u>Oliver B. Triplett III</u>		
7. Mortgagee <u>Bank of Farcat</u>		
8. Filed for record in office of the <u>Chancery Clerk of Madison</u> County, State of <u>MS</u> on <u>7-17-08</u> at <u>11:10</u> o'clock <u>AM</u> , recorded Book <u>2354</u> Page <u>391</u>		
9. Amount of debt \$ <u>1,296,500.00</u> , Final Maturity <u>7-21-2010</u>		
10. Assigned by instrument dated _____, executed by _____ to _____ Filed for record _____ at _____ o'clock _____ M, recorded in said County in Book _____, Page _____		
II. FOR OWNER'S POLICY: <u>no</u>		
(a) Kind of instrument _____ dated _____		
(b) Grantors _____		
(c) Grantees _____ Filed for record in office of _____ at _____ County, State of _____ on _____ at _____ o'clock _____ M, recorded in Book _____ Page _____		
(d) Consideration \$ _____, Estate of Grantor _____ (See, years, household)		
SCHEDULE A		
Insert below verbatim copy of description as contained in deed or mortgage to be insured.		
Situated in <u>City of Madison</u> County of <u>Madison</u> , State of <u>MS</u> to-wit:		
See Exhibits A & B		

MVT 02-33



Evans - MVT
AE 000671

MAILED COPY

Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit G Page 2 of 5

09/19/2008 15:44 6B17132165 HIGHLAND BLUFF PAGE 02/03

FINAL CERTIFICATE

SCHEDULED "B"
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2007
(b) Unpaid taxes 2008
(c) Special Assessments payable in future None
(d) Are there improvements declared necessary or begun for which no assessment has been made? No
(e) Is land located in a drainage district? No, Name: _____
If so, bonds outstanding \$ _____

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: White Oaks Investment Company, LLC

Trustee: Oliver B. Triplett III

Mortgagee: Bank of Forest

Date: 7-21-08

Amount: \$1,294,500.00

BK:2354 Pg: 391

Date Recorded: 9-17-08 at 11:10 A.M.

3. RESTRICTIONS AND COVENANTS: See Exhibit B C

- Are there any? _____ (Attach verbatim copy), Recorded Book _____ Page _____ Filed _____
(a) State whether violated or not _____
(b) Do restrictions contain a reversionary or forfeiture clause? _____
(c) If so, has above been released? _____ (Attach release instrument showing book and page where recorded),

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any do not: See Exhibit B C

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list: n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? No
If not, our commitment and policy will contain an appropriate exception.
(b) Mineral interests, if any, to be reserved by seller

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- | | |
|---|--|
| (a) <input type="checkbox"/> Mechanic's and Materialman's Lien or record | (e) <input type="checkbox"/> Federal Tax Lien |
| (b) <input type="checkbox"/> Judgments | (f) <input type="checkbox"/> Recorded or known unrecorded liens |
| (c) <input type="checkbox"/> Estates and Decedent's Debts | (g) <input type="checkbox"/> Encroachments |
| (d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements | (h) <input type="checkbox"/> Matters not listed |
| (e) <input type="checkbox"/> Bankruptcy Proceedings | (i) <input type="checkbox"/> Violation of zoning ordinances |
| (f) <input type="checkbox"/> Lien Pending of Record | (j) <input type="checkbox"/> Violation of Building setback lines |

See Exhibit "B" C

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to 9-17 2008 at 11:10 A.M.

Approved Attorney Charles H. Evans

By Charles H. Evans Handwritten signature

Address P. O. Box 13783 Jackson MS 39236

Phone Number 601 713-2106 Fax Number 601 713-2106
362 1282

1292

Evans - MyT
AE 000672

BAKED COPY

Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit G Page 3 of 5

09/19/2008 15:44 6017132105

HIGHLAND BLUFF

PAGE 83/85

BOOK 2354 PAGE 0394 1/2

EXHIBIT A

LEGAL DESCRIPTION OF NORTH 2.7505-ACRE TRACT

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 12,
TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 2 AS SHOWN ON
BENCHMARK ENGINEERING PLAT, DATED JAN. 25, 2008 AND BEING 1325.18
FEET WEST OF AND 32.66 FEET NORTH OF THE SOUTHEAST CORNER OF THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12
AND RUN NORTH 00 DEGREES 37 MINUTES 39 SECONDS EAST 364.79 FEET
TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 37
MINUTES 39 SECONDS EAST 304.31 FEET; THENCE SOUTH 08 DEGREES 02
MINUTES 22 SECONDS EAST 315.46 FEET TO THE WEST RIGHT OF WAY OF A
PUBLIC ROAD; THENCE THE FOLLOWING BEARING AND DISTANCES
ALONG SAID WEST RIGHT OF WAY; THENCE SOUTH 09 DEGREES 16
MINUTES 16 SECONDS WEST ALONG THE CHORD OF A CURVE BEARING TO
THE LEFT HAVING A RADIUS OF 830.0 FEET, A DISTANCE OF 138.9 FEET TO
THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 04 DEGREES 56
MINUTES 54 SECONDS WEST 54.72 FEET TO THE POINT OF CURVATURE OF A
CURVE BEARING TO THE LEFT HAVING A RADIUS OF 210.0 FEET; THENCE
SOUTHERLY ALONG SAID CURVE A CHORD BEARING AND DISTANCE OF
SOUTH 00 DEGREES 13 MINUTES 56 SECONDS EAST 147.04 FEET; THENCE
SOUTH 04 DEGREES 31 MINUTES 13 SECONDS WEST 80.0 FEET; THENCE
LEAVING SAID WEST RIGHT OF WAY NORTH 73 DEGREES 31 MINUTES 45
SECONDS WEST 218.56 FEET TO THE POINT OF BEGINNING, CONTAINING
2.7505 ACRES, MORE OR LESS.

Signed for identification.
WHITE OAKS INVESTMENT COMPANY LLC

John C Evans
John C Evans, Member

7-11-08

Date

Date

Date

EXHIBIT A (Rev. 10/07/05)

Evans - MVT
AE 000673

IMAGED COPY

Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit G Page 4 of 5

09/19/2008 15:44 6017132105

HIGHLAND BLUFF

PAGE 04/05

BOOK 2354 PAGE 0395

EXHIBIT B

LEGAL DESCRIPTION OF SOUTH 2.1105-ACRE TRACT

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 12,
TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 2 AS SHOWN ON
BENCHMARK ENGINEERING PLAT DATED JAN. 23, 2008 AND BEING 1325.18
FEET WEST OF AND 32.66 FEET NORTH OF SOUTHEAST CORNER OF THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12
AND, RUN NORTH 00 DEGREES 00 MINUTES 37 SECONDS EAST 364.79 FEET;
THENCE SOUTH 75 DEGREES 34 MINUTES 45 SECONDS EAST 218.56 FEET TO
THE WEST RIGHT OF WAY OF A PUBLIC STREET; THENCE THE FOLLOWING
BEARINGS AND DISTANCES ALONG SAID RIGHT OF WAY: SOUTH 09
DEGREES 54 MINUTES 16 SECONDS EAST ALONG A CURVE BEARING TO THE
LEFT HAVING A RADIUS OF 900.01 FEET FOR A DISTANCE OF 131.37 FEET;
THENCE NORTH 75 DEGREES 58 MINUTES 20 SECONDS 47 SECONDS EAST FOR A
DISTANCE OF 10.0 FEET; THENCE SOUTH ALONG A CURVE BEARING TO THE
LEFT HAVING A RADIUS OF 110.0 FEET A CHORD DISTANCE AND BEARING
OF SOUTH 21 DEGREES 19 MINUTES 07 SECONDS EAST 203.67 FEET; THENCE
LEAVING SAID RIGHT OF WAY SOUTH 19 DEGREES 35 MINUTES 39 SECONDS
WEST 392.40 FEET TO THE POINT OF BEGINNING, CONTAINING 3.2505 ACRES,
MORE OR LESS.

MADISON COUNTY MS This instrument was
Not for record SEPT. 17, 2009 at 11:10 AM
Book 9354 Page 391
ARTHUR JOHNSTON, O.C.,
By: *[Signature]* D.C. 

Signed for Identification:
WHITE OAKS INVESTMENT COMPANY LLC

<i>[Signature]</i> Joy C Evans, Member	7-21-08	Date
		Date
		Date

EXHIBIT A Rev. (07/05)

Evans - MVT
AE 000674

BLADED COPY

Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc
Exhibit G Page 5 of 5

09/19/2008 16:44 6017132105

HIGHLAND BLUFF

PAGE 05/05

1. That certain Pipe Line right of way to Texas Eastern Transmission Corporation, dated 3/28/55, recorded in Book 61, Page 269.
2. That certain Pipe Line right of way to Texas Eastern Transmission Corporation, dated 4/6/55, recorded in Book 61, Page 407.
3. That certain easement to the City of Madison for a sanitary sewer line running with the foregoing pipe line right of way.
4. All ad valorem taxes for the year 2008 which are not yet due or payable.
5. Corrective Permanent Easement and Right of Way in favor of Madison County, Mississippi, dated April 21, 2008 and recorded in Book 2307 at page 925, as corrected in Book 2319 at page 872.

EXHIBIT B C